



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

1644

RECEIVED

AUG 07 2001

TECH CENTER 1600/29

Applicant of: Rittershaus and Thomas
Serial No.: 09/529,762
Filed: April 18, 2000
Entitled: XENOGENEIC CHOLESTERYL ESTER
TRANSFER PROTEIN (CETP) FOR
MODULATION OF CETP ACTIVITY

ART UNIT: 1644

EXAMINER: Huynh

Atty. Docket No.: TCS-420.1P US

Asst. Commissioner for Patents
Washington, D.C. 20231

TRANSMITTAL LETTER

Sir:

Transmitted herewith are: [X] an Information Disclosure Statement; [X] a modified Form 1449; and [X] a return postcard.

FEE FOR ADDITIONAL CLAIMS

[X] A fee for additional claims is not required.

[] A fee for additional claims is required. The additional fee has been calculated as shown below:

	TOTAL CLAIMS	HIGHEST NUMBER PREVIOUSLY PAID FOR	NUMBER OF EXCESS CLAIMS	RATE	FEES DUE
TOTAL CLAIMS	---	---	0	x \$---	= 0.00
INDEPENDENT	---	---	0	x \$---	= 0.00
FIRST INTRODUCTION OF MULT. DEPENDENT CLAIM				+\$---	= 0.00
TOTAL FEES DUE					= 00.00

[X] Small entity status has already been established for Applicant(s) in this case.

PAYMENT OF ADDITIONAL FEES

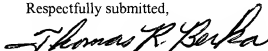
- [] A check in the amount of \$ 00.00 in payment of the fee for additional claims is transmitted herewith.
- [] A check including the amount of \$ 00.00 in payment of the fee under 37 CFR §1.18(a) for issuing an original patent.
- [] A check including the amount of \$ 00.00 in payment of the fee under 37 CFR §1.19(a)(1)(i) for 0 printed copies of patent charged at \$3.00 per copy.

- [X] The Commissioner is hereby authorized to charge payment of any additional fees required under 37 CFR 1.16 or 1.17 in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 50-0268. A duplicate copy of this transmittal letter is transmitted herewith.

PETITION FOR EXTENSION OF TIME

- [] Extension is requested under 37 CFR 1.136(a), and the following extension fee is applicable for the paper(s) filed herewith: [] \$55.00 for response within first month pursuant to 37 CFR 1.17(a)(1);
[] \$195.00 for response within second month pursuant to 37 CFR 1.17(a)(2);
[] \$445.00 for response within third month pursuant to 37 CFR 1.17(a)(3);
[] \$695.00 for response within fourth month pursuant to 37 CFR 1.17(a)(4).
[] \$945.00 for response within fifth month pursuant to 37 CFR 1.17(a)(5).
- [] Total amount of payment in connection with the paper(s) transmitted herewith is \$ 00.00.
{check no. --}
- [X] The Commissioner is hereby authorized to charge payment of any additional fees required in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 50-0268.

Respectfully submitted,



Leon R. Yankwich; Registration No. 30,237
Thomas R. Berka, Ph.D.; Registration No. 39,606
Attorneys for Applicants
YANKWICH & ASSOCIATES
130 Bishop Allen Drive
Cambridge, Massachusetts 02139
telephone: (617) 491-4343
telefax: (617) 491-8801

CERTIFICATE OF MAILING

The undersigned hereby certifies that this correspondence is being deposited with the U.S. Postal Service as first class mail, in an envelope addressed to the Asst. Commissioner for Patents, Washington, DC 20231, on the date indicated below.

July 27, 2001
Date of mailing and signature


Stephanie L. Leicht

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Rittershaus and Thomas

Serial No.: 09/529,762

Filed: April 18, 2000

Entitled: XENOGENEIC CHOLESTERYL
ESTER TRANSFER PROTEIN
(CETP) FOR MODULATION
OF CETP ACTIVITY

Attorney Docket No.: TCS-420.1P US

Art Unit: 1644

Examiner: Huynh

RECEIVED

AUG 07 2001

TECH CENTER 1600/2900

Assistant Commissioner for Patents
Washington, D.C. 20231

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.56, 1.97 AND 1.98**

Dear Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicants submit this Information Disclosure Statement pursuant to 37 C.F.R. §§ 1.97 and 1.98 in the above-identified application for consideration by the Patent Office.

A modified Form PTO-1449 listing the cited documents is also enclosed, as well as, for the Examiner's convenience, copies of the documents. This Statement is being submitted before the first Office Action on the merits. Pursuant to 37 C.F.R. § 1.97(b)(3), no fee is believed to be required with this submission.

Foreign Patent Documents

WO 96/34888, published November 7, 1996, Rittershaus and Thomas;

WO 97/41227, published November 6, 1997, Thomas;

WO 99/15655, published April 1, 1999, Needleman and Glenn;

Other Publications

Albers et al., *Arteriosclerosis*, 4: 49-58 (1984);

Barter et al., *J. Lipid Res.*, 21: 238-249 (1980);

Bisgaier et al., *J. Lipid Res.*, 32: 21-23 (1991);

Breslow et al., *Proc. Natl. Acad. Sci. USA*, 90: 8314-8318 (1993);

Brown et al., *Nature*, 342: 448-451 (1989);

Castelli et al., *J. Am. Med. Assoc.*, 256: 2835-2838 (1986);

Daley et al., *Arterioscler. Thromb.*, 14: 95 - 104 (1994);

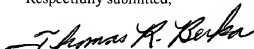
- Day et al., *J. Biol. Chem.*, 269: 9388-91 (1994);
- Drayna et al., *Nature*, 327: 632-634 (1987);
- Eldridge et al., in Immunobiology of Proteins and Peptides V: Vaccines, Mechanisms, Design, and Applications (Atassi, M.Z., ed.)(Plenum Press, New York, 1989), pp. 191-202);
- Gavish et al., *J. Lipid Res.*, 28: 257-267 (1987);
- Gaynor et al., *Atherosclerosis*, 110: 101-109 (1994);
- Gordon et al., *N. Engl. J. Med.*, 321: 1311-1316 (1989);
- Gray et al., *J. Biol. Chem.*, 264: 9505-9509 (1989);
- Ha et al., *Biochim. Biophys. Acta*, 833: 203-211 (1985);
- Ha et al., *Comp. Biochem. Physiol.*, 83B: 463-466 (1986);
- Havel et al., "Introduction: Structure and metabolism of plasma lipoproteins", in The Metabolic Basis of Inherited Disease, 6th ed., pp. 1129-1138 (Scriver et al., eds.) (McGraw-Hill, Inc., New York, 1989);
- Hayek et al., *J. Clin. Invest.*, 90: 505-510 (1992);
- Hesler et al., *J. Biol. Chem.*, 262: 2275-2282 (1987);
- Hesler et al., *J. Biol. Chem.*, 263: 5020-5023 (1988);
- Inazu et al., *N. Engl. J. Med.*, 323: 1234-1238 (1990);
- Jarnagin et al., *Proc. Natl. Acad. Sci. USA*, 84: 1854-1857 (1987);
- Korn et al., *J. Mol. Biol.*, 65: 525-529 (1972);
- Mader, in Human Biology, 4th ed., pp. 83, 102 (Wm. C. Brown Publishers, Dubuque, Iowa, 1995);
- Marotti et al., *Nature*, 364: 73-75 (1993);
- Mathews and van Holde, Biochemistry, pp. 574-576 and 626-630 (The Benjamin/Cummings Publishing Co., Redwood City, California, 1990);
- Means and Feeney, *Bioconjugate Chem.*, 1: 2-12 (1990);
- Miller et al., *Am. Heart J.*, 113: 589-597 (1987);
- Nagashima et al., *J. Lipid Res.*, 29: 1643 - 1649 (1988);
- Physician's Desk Reference, 49th ed., (Medical Economics Data Production Co., Mont Vale, New Jersey, 1995), pp. 1628, 2371 (referring to hepatitis B vaccine), pp. 1501, 1573, 1575 (referring to measles, mumps, and/or rubella vaccines), pp. 904, 919, 1247, 1257, 1289, 1293, 2363 (referring to diphtheria, tetanus and/or pertussis vaccines);
- Quig et al., *Ann. Rev. Nutr.*, 10: 169-193 (1990);
- Suzue and Young, *J. Immunol.*, 156: 873 - 879 (1996);
- Swenson et al., *J. Biol. Chem.*, 264: 14318-14326 (1989);

Synthetic Vaccines (Nicholson, ed.) (Blackwell Scientific Publications, Cambridge, Massachusetts, 1994), pp. 236-238);
Tall, *J. Clin. Invest.*, 89: 379-384 (1990);
Tall, *J. Internal Med.*, 237: 5-12 (1995);
Tall, *J. Lipid Res.*, 34: 1255-1274 (1993);
Talwar et al., *Proc. Natl. Acad. Sci. USA*, 91: 8532-8536 (1994);
Tato et al., *Arterioscler. Thromb. Vascular Biol.*, 15: 112-120 (1995);
Wang et al., *J. Biol. Chem.*, 267: 17487-17490 (1992);
Wang et al., *J. Biol. Chem.*, 268: 1955-1959 (1993);
Whitlock et al., *J. Clin. Invest.*, 84: 129-137 (1989);
Zannis et al., "Genetic mutations affecting human lipoproteins, their receptors, and their enzymes", in Advances in Human Genetics, Vol. 21, pp. 145-319 (Plenum Press, New York, 1993).

Applicants do not intend to represent that any of the documents submitted herein is material to the patentability of the claimed invention or that the list represents an exhaustive search of documents related to this invention.

Applicants respectfully request that the documents submitted herein be considered and made of record in this application.

Respectfully submitted,




Leon R. Yankwich Reg. No. 30,237
Thomas R. Berka, Ph.D. Reg. No. 39,606
Attorneys for Applicants
YANKWICH & ASSOCIATES
130 Bishop Allen Drive
Cambridge, Massachusetts 02139
telephone: (617) 491-4343
telefax: (617) 491-8801

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Priority mail, postage prepaid, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on the date indicated below.

July 27, 2001
Date


Stephanie L. Leicht